

April 17, 2023

VIA ECF

The Honorable Sarah J. Netburn
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, New York 10007

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In re Terrorist Attacks on September 11, 2001, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.)

Dear Judge Netburn:

Al Rajhi Bank, on behalf of the Bank and Plaintiffs with claims against the Bank, submits this letter to the Court to inform the Court of developments in the Parties' negotiations regarding discovery and to request the Court's endorsement of the proposal set forth below.

The Parties have met and conferred, and agree on the following procedure to streamline the remaining jurisdictional discovery and help ensure the efficiency of these proceedings going forward:

1. Before anticipated motion practice by Al Rajhi Bank that includes a challenge to the Court's personal jurisdiction, Plaintiffs shall submit an averment/statement of the facts and evidence on which they will rely in meeting their burden to establish personal jurisdiction over the Bank.
 - a. The statement shall be consistent with the form contemplated by Local Civil Rule 56.1 and shall be accompanied by all supporting documents and deposition excerpts on which Plaintiffs will rely to establish their burden.
 - b. Plaintiffs' statement shall be due thirty days following the close of jurisdictional discovery as to Al Rajhi Bank.
 - c. In agreeing to this procedure, Plaintiffs preserve all arguments as to the burdens and standards of review applicable to Al Rajhi Bank's motion.
2. Upon the Court's endorsement of this proposal:
 - a. Al Rajhi Bank's First Set of Requests for Admission to Plaintiffs served on March 17, 2023, and First Set of Interrogatories to Plaintiffs served on March 17, 2023, shall be deemed withdrawn, and Plaintiffs shall not be required to provide responses or objections to the same.

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- b. That portion of Al Rajhi Bank's March 2, 2023 letter-motion to compel (ECF No. 8897) requesting that the Court order Plaintiffs to provide a statement of jurisdictional facts and evidence shall be deemed moot and therefore withdrawn.

The Parties thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Nicole Erb

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Nicole Erb

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